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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In Re:

JEFFREY S DEWITZ

CHRISTINA L CASTLEBERRY DEWITZ

Debtors

Case No. 2011-43350-B-7
Hearing Date: November 8, 2011
Hearing Time: 09:32 a.m.
Courtroom 32 - Dept B
Honorable Thomas C. Holman
Docket Control No.: EJS-1

MOTION TO COMPEL THE TRUSTEE TO
ABANDON THE ESTATE'S INTEREST IN REAL PROPERTY

Thomas L. Amberg, Jr. of Law Offices of Nelson & Schwab, on behalf of Jeffrey S Dewitz and Christina L Castleberry Dewitz, the Debtors herein, hereby moves this Court for an Order Compelling the Trustee to Abandon the Estate's interest in Real Property. This Motion is based on the following facts:

1. This case was commenced with the filing of a petition on September 28, 2011. Geoffrey Richards was duly appointed to serve as the Trustee in this case.
2. This motion is brought pursuant to 11 U.S.C. §554(b) and Rule 6007 of the Federal Rules of Bankruptcy Procedure.
3. As shown Schedule A of the filed schedules of this case, the Debtors have an interest in the real property commonly-known as 8790 Frosses Court in Sacramento, CA 95828 (hereinafter, the "ASSET"). A copy of schedule A is shown in the concurrently-filed

Exhibits and is incorporated herein by reference. The Debtors believe and assert that the reasonable, fair-market value of the ASSET is \$189,000.00.

4. This asserted value is based on the opinion of the Debtors. The Declaration of the Debtors in support of this value is filed concurrently with this Motion and incorporated herein by reference.

5. As shown in Schedule D of the filed case, Ocwen Loan Servicing holds a valid security interest in the ASSET. A copy of schedule D is shown in the concurrently-filed Exhibits and is incorporated herein by reference.

6. The Debtors further believe and assert that the present balance owed by the Debtors to this creditor is \$394,000.00.

7. As shown in Schedule C of the filed case, the Debtors have not claimed an exemption in this ASSET. A copy of Schedule C is shown in the concurrently-filed Exhibits and is incorporated herein by reference.

8. In summary

Value of ASSET	\$189,000.00
Less: Creditor lien	<u>\$394,000.00</u>
Adjusted Equity	\$-205,000.00
Less: Exemption claimed	<u>\$.00</u>
Net Equity	<u>\$-205,000.00</u>

9. Pursuant to §554(b) of Title 11 US Codes¹, the Court may order the Trustee to abandon the estate's interest in assets of the estate.

¹ 11 US Codes, §554(b): "On request of a party in interest and after notice and a hearing, the court may order the trustee to abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate."

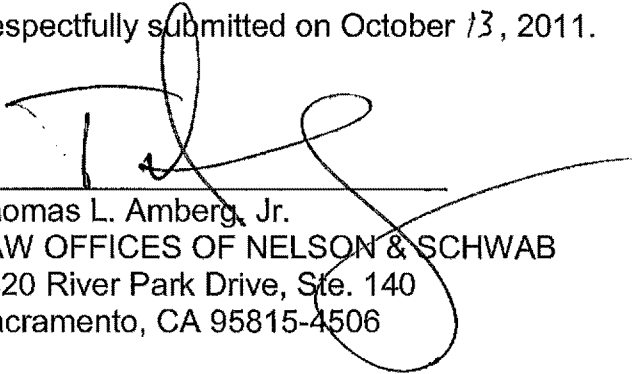
1 10. Federal Rule of Bankruptcy Proceeding 6007(b) permits a party in interest, including the
2 Debtors, to file a motion seeking to compel the Trustee to abandon property of the
3 estate.

4 11. Based on the foregoing and the Declarations filed herewith, the Debtors assert that
5 the value of the estate's interest in the ASSET is \$0.00.
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7 RESTATEMENT

8 WHEREFORE, the Debtors move the Court to compel the Trustee to Abandon the
9 estate's interest in this ASSET.
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11 Respectfully submitted on October 13, 2011.

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